

August 4, 2015

Chairman Tom Wheeler  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Re: Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions, GN Docket No. 12-268; Policies Regarding Mobile Spectrum Holdings, WT Docket No. 12-269; Comment Sought on Competitive Bidding Procedures for Broadcast Incentive Auction 1000, Including Auctions 1001 and 1002, AU Docket No. 14-252; Amendment of Parts 15, 73 and 74 of the Commission's Rules to Provide for the Preservation of One Vacant Channel in the UHF Television Band For Use By White Space Devices and Wireless Microphones, MB Docket No. 15-146

Dear Chairman Wheeler:

Last week you testified before the House Energy & Commerce Committee that, "The Incentive Auction will be the most complex in Commission history," and that while conducting the auction, "the Commission must balance a range of goals that Congress established, goals that are sometimes competing." We commend your leadership thus far in laying the groundwork for the many rules and policy decisions that are necessary to execute this historic undertaking. However, we write today to express serious concern over an issue that has arisen as the Commission grapples with how to most efficiently repack broadcasters following the auction. To maximize the auction's proceeds, it has been reported you are currently considering relocating broadcasters into the "duplex gap", which was established to guard against interference and expand the availability of unlicensed spectrum. We urge your extreme caution in pursuing this course.

Almost every stakeholder in the auction process – broadcasters, public interest groups, and the wireless industry – have raised concerns about the implications of placing full-power broadcasters in the duplex gap. This proposal would deny millions of Americans the innovative promise of unlicensed spectrum and the economic benefit it brings. Furthermore, it would inhibit live news coverage and emergency communications by leaving local broadcasters in some markets with no reserved spectrum for the wireless microphones that are essential to cover breaking news.

In April 2014 you wrote, "Opening up more spectrum for unlicensed use provides economic value to businesses and consumers alike." We enthusiastically agree. As you know, opening up spectrum for unlicensed uses significantly increases the efficiency of all spectrum use and helps to propel leaps forward in technology by providing space to innovate without permission from a commercial license holder. However, in order to act as this catalyst to innovation, unlicensed spectrum must provide entrepreneurs with the opportunity to take advantage of economies of scale. Relocating a full-power broadcaster in the duplex gap would, in effect, remove this spectrum for unlicensed use in

that media market and therefore block millions of potential consumers from accessing next-generation unlicensed services.

The FCC has witnessed first-hand the changes our communications revolution is having on our country, our culture, our economy. There is no sector of our economy more dynamic and vibrant than communications. We have more ways to connect, create, learn and listen to one another than at any other point in history. Yet, in this globally expanding medium broadcasters are still the only truly local media. More than national network news, more than cable news – local broadcasters are the first source Americans turn to when they tune in. When reporting live news events broadcasters rely on wireless microphones, and they were depending on spectrum in the duplex gap to continue using these important reporting tools. Relocating a broadcaster into the duplex gap eliminates the availability of that spectrum for such a use.

As the FCC considers how best to relocate broadcasters during the incentive auction, it must ensure adequate spectrum is available for unlicensed use on a contiguous nation-wide basis, and that local broadcasters can continue to report the news and serve their local communities without undue disruption. If the Commission must relocate full-power broadcasters in the 600 MHz band, it should do so in a way that minimizes interference and negative consequences for unlicensed spectrum use and wireless microphones. Thank you for your consideration.

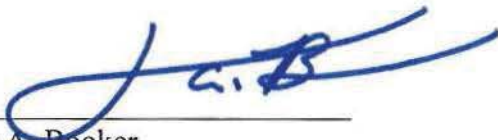
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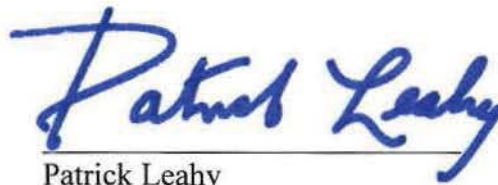
Richard Blumenthal  
United States Senator




Charles E. Schumer  
United States Senator



Cory A. Booker  
United States Senator



Patrick Leahy  
United States Senator



Ron Wyden  
United States Senator





FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

September 1, 2015

The Honorable Ron Wyden  
United States Senate  
223 Dirksen Senate Office Building  
Washington, D.C. 20510

Dear Senator Wyden:

Thank you for your letter regarding repacking full-power TV broadcasters in the 600 MHz Band following the Incentive Auction.

I share your view that that unlicensed spectrum is an important catalyst for innovation, and the Commission has taken a wide range of actions to make more spectrum available for unlicensed use. Specifically in the context of the incentive auction, the Commission has authorized unlicensed use of Channel 37, the guard bands, and duplex gap that will be part of the new 600 MHz band plan after the auction. Additionally, the Commission proposed to set aside one vacant channel in the TV band for unlicensed use.

As you note, our auction system could assign some TV broadcasters to the duplex gap if there is not sufficient channel capacity in the TV band in a market to accommodate all of the broadcasters that wish to remain on the air after the auction. At the same time, we also adopted a cap on the ability of the system to assign stations to the wireless band to limit impairments to the spectrum being made available for wireless broadband use – unlicensed as well as licensed. The Commission staff analysis indicated that broadcast stations may need to be placed in the duplex gap in only a handful of markets. However, the Commission has proposed to protect a second vacant television channel for unlicensed use and wireless microphones in markets where broadcasters are placed in the duplex gap.

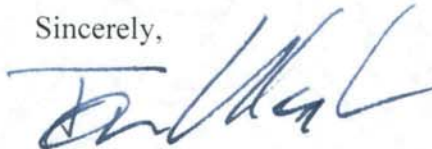
The flexibility to assign some TV stations to the wireless band is important because we do not know in advance how many broadcasters in each market will elect to participate in the auction. If we did not have the flexibility to assign some stations to the wireless band, including the duplex gap, our ability to repurpose 600 MHz spectrum for wireless broadband would be limited because we would have to make the TV band big enough in every market to accommodate the market with the greatest number of stations remaining on the air, even if a smaller TV band would be sufficient for the vast majority of the country.

As you note, stakeholders voiced their concerns associated with assigning TV stations to the duplex gap. The Commission carefully considered their views, and I believe the rules we adopted strike the appropriate balance between providing the necessary flexibility for a successful auction and preserving spectrum for unlicensed use.

Page 2—The Honorable Ron Wyden

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

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Tom Wheeler



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WASHINGTON

OFFICE OF  
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September 1, 2015

The Honorable Patrick J. Leahy  
United States Senate  
433 Russell Senate Office Building  
Washington, D.C. 20510

Dear Senator Leahy:

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September 1, 2015

The Honorable Richard Blumenthal  
United States Senate  
702 Hart Senate Office Building  
Washington, D.C. 20510

Dear Senator Blumenthal:

Thank you for your letter regarding repacking full-power TV broadcasters in the 600 MHz Band following the Incentive Auction.

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September 1, 2015

The Honorable Cory Booker  
United States Senate  
141 Hart Senate Office Building  
Washington, D.C. 20510

Dear Senator Booker:

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United States Senate  
322 Hart Senate Office Building  
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